

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**NARAYAN SWAMIE MOHABIR**

**CIVIL ACTION NO. 07-0761**

**VERSUS**

**SECTION "P"**

**J.P. YOUNG**

**JUDGE DOHERTY**

**MAGISTRATE JUDGE HILL**

**NOTICE OF INTENT TO DISMISS**

Before the court is a civil action filed by *pro se* plaintiff, Narayan Swamie Mohabir, pursuant to 28 U.S.C. § 2241. When this action was filed, plaintiff was confined at the Federal Detention Center in Oakdale, Louisiana.

On May 4, 2007 the court issued an Order notifying plaintiff that his suit was not in proper form and that he had failed to submit the appropriate filing fee or submit an application to proceed in *forma pauperis*. Accordingly, plaintiff was to amend his pleadings to correct these deficiencies within thirty days of the date of the Order. [rec. doc. 3]. Mohabir never received the court's Order as the envelope containing the Order was returned unopened by the United States Postal Service on May 11, 2007 and marked, "Return to Sender" "Deported". [rec. doc. 4].

On May 30, 2007, the Clerk of this Court received a call from a "friend" of Mohabir advising that Mohabir had been moved to the Monmouth County Jail in Freehold, New Jersey. Accordingly, the Clerk updated Mohabir's address on this court's docket sheet and re-sent this Court's May 4, 2007 Order to plaintiff at his "new" address. [rec. doc. 6].

Once again, Mohabir never received the court's Order as the envelope containing the Order was returned unopened by the United States Postal Service on June 8, 2007 and marked, "Return to Sender". [rec. doc. 6].

Rule 41.3W of the Uniform Local Rules of Court provides, in pertinent part,

41.3W Dismissal for Failure to Prosecute.

A civil action may be dismissed by the clerk of court or any judge of this court for lack of prosecution as follows:

...

The failure of an attorney or *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

Upon review of the record in this case, the court finds that plaintiff, Narayan Swamie Mohabir, has failed to keep the court apprised of his correct address and no correction has been made to the address for a period in excess of 30 days. **Pursuant to Rule 41.3W of the Uniform Local Rules of Court, this matter will be dismissed without prejudice unless plaintiff files, within ten (10) days of the date of this order, evidence of good cause for his failure to keep the court apprised of his current address.** Accordingly;

**THE CLERK IS DIRECTED** to serve plaintiff, Narayan Swamie Mohabir, with a copy of this minute entry;

**IT IS ORDERED** that plaintiff, Narayan Swamie Mohabir, file within ten (10) days of the date of this minute entry, evidence of good cause for his failure to keep the court

apprised of his current address.

Thus done and signed in chambers this 9<sup>th</sup> day of July, 2007.

  
C. MICHAEL HILL  
UNITED STATES MAGISTRATE JUDGE